UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/649,215	08/28/2000	Allan Lamkin	68570	7416

			EXAMINER
22242	7590	02/13/2004	VU, TUAN A

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ART UNIT	PAPER NUMBER
2124	

DATE MAILED: 02/13/2004   *16-17*

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cov r sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 December 2003*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 August 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☒ Interview Summary (PTO-413) Paper No(s). *16* .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

1.   This action is responsive to the Applicant's response filed 12/29/2003.

As indicated in Applicant's response, claims 1, and 8-10 have been amended. Claims 1-10 are

pending in the office action.

Specification

2.   The disclosure is objected to because of the following informalities: the element "an

executable for" (pg. 15, line 26) appears to have a mistyped word, e.g. 'for' as opposed to

'form'.

        Appropriate correction is required.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 1-6, and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Tahara et al., USPN: 5,909,551 (hereinafter Tahara), in view of Brodersen et al., USPN:

6,263,344 (hereinafter Brodersen).

        As per claim 1, Tahara discloses a method combining video/audio content with

programming content comprising:

        generating authoring output comprising a definition for a variable (e.g. <IMG

SRC=...>, <A HREF= ... </A> -col. 17, lines 44-52; col. 18, 37-52; Fig. 24, 27, 28 – Note: tags

in Markup language implicitly teaches the defining of a variable to be rendered by the browser),

and further comprising a representation of the video/audio content (e.g. *text data* -Fig. 8; *image*

reproduction control data – Fig. 19, 22; col. 14, lines 24-55; *PC data*, step 108– Fig. 11), the

representation of the video/audio content defining how the content is to be displayed;

searching for a word in a source file (e.g. *Keyword* , *INFOFILE.001*– Fig. 8-9) and

generating a programmatic content in response to the searching (e.g. step *1507* –Fig. 15)

generating an image (e.g. step *1510* – Fig. 15) as a function of the programmatic content

and the representation of the video/audio; and combining the image with the video/audio content

(e.g. Fig. 16, 22; col. 2, lines 25-31).

But Tahara does not explicitly specify selecting a source file, searching the source file for

a variable, and replacing the variable with the definition for the variable and generating a

programmatic content therefrom. However, Tahara discloses a link table to provide correlation

between PC data and video data (col. 5, lines 34-47); a content metadata file in a HTML format

(file (e.g. col. 2, lines 25-62; Fig. 24) and user interface including a browser to render the

hyperlinks and tags (e.g. Fig. 27-28). The use of linking means at build time as well as

metadata/reproduction control information by using markup language to configure video data

and to render the elements inside the markup tags at run-time in order to help retrieve external

information and reproduce an electronic/video content delivered in a media as suggested by

Tahara from above is further enhanced by Brodersen. Brodersen, in a method to generate a DVD

program content using programmatic and layout structure within a interactive authoring system

analogous to the browser and markup files in the interactive system by Tahara, discloses

compiling in a data storage DVD parameter information and presentation data in accordance

with DVD specification (e.g. col. 6, lines 26-66; Fig. 6a), and further discloses searching for the

programmatic layout structure and replacing indices with identifiers and resolving place holder

instructions (e.g. *replace indices, resolve and replace* - Fig. 12A,C) while processing the

temporary layout structure to convert it a final programmatic structure. It would have been

obvious for one of ordinary skill in the art at the time the invention was made to implement the

programmatic content or markup files as suggested by Tahara so that it includes the process of

search and replace of markup tags as suggested in the identifiers replacement by Brodersen in

order to compile such preprocessed markup data into to the image reproduction control data

associated with the audio/video content as being assembled by Tahara. One of ordinary skill

would be motivated to do so because this would alleviate processing resources which would be

otherwise taxing on the target devices at video/audio reproduction time, especially when the

programmatic content as taught by Brodersen can create adverse effects when some of the

elements being defined and invoked therein have not been resolved and replaced with correct

values at runtime.

As per claim 2, Tahara further discloses storing of the image in a storage medium (e.g.

Fig. 23)

As per claim 3, Tahara discloses transmission of audio/video and programming content

through a transmission medium (e.g. Fig. 16,18).

As per claim 4, Tahara discloses searching of source file at build time (e.g. col. 11, lines

10-22; col. 11, line 62 to col. 12, line 6) but does not specify seaching of files for replacing a

variable therein. But this limitation has been addressed in claim 1 using Brodersen's technique

of resolving source file indices or place holders by identifiers at build time.

As per claims 5 and 6, Tahara further discloses searching of source file at run-time (e.g.

Fig. 24, 26, 27, 28 ; col. 17, lines 32-37– Note: Browser opening of file in directory reads on

searching of file at runtime) and searching in response to a software engine executed on a

browser (e.g. Fig. 27, 28).

As per claim 7, Tahara further discloses search execution and markup resolution on a

browser in the reproducing of recorded data in a medium (e.g. col. 17, lines 23-34; Fig. 1); hence

has implicitly discloses runtime of recorded data in medium and insertion of DVD into a driver

device.

As per claim 8, Tahara discloses a system for combining video/audio content with

programming content comprising:

means for searching a source file for a word (e.g. *Keyword , INFOFILE.001–* Fig. 8-9);

means for generating programmatic content in response to the searching (e.g. step *1507 –*

Fig. 15);

means for generating an image (e.g. step *1510 –* Fig. 15) as a function of the

programmatic content and the representation of the video/audio), the representation of the

video/audio content defining how the content is to be displayed (e.g. *text data* -Fig. 8; *image*

reproduction control data – Fig. 19, 22; col. 14, lines 24-55; *PC data*, step *108–* Fig. 11).

means for combining image with the video/audio content (e.g. Fig. 16, 22; col. 2, lines

25-31)

But Tahara does not explicitly specify selecting a source file, searching the source file for

a variable, and replacing the variable with the definition for the variable and generating a

programmatic content therefrom. But this limitation has been addressed by the combined

teachings of Tahara and Brodersen as in claim 1 above, hence is rejected herein with the same

ground of rejection set forth therein.

As per claim 9, Tahara discloses a system for combining video/audio content with

programming content comprising:

a parser adapted to search a source file for a word (e.g. *Keyword* , *INFOFILE.001*– Fig.

8-9);

generate programmatic content in response to the searching (e.g. step *1507* –Fig. 15);

and

an image engine to generate an image (e.g. step *1510* – Fig. 15) as a function of the

programmatic content (*text data* -Fig. 8; *image reproduction control data* – Fig. 19, 22; col. 14,

lines 24-55; *PC data*, step *108*– Fig. 11);

and a formatter to combine the image with video/audio content (e.g. Fig. 16, 22; col. 2,

lines 25-31)

But Tahara does not explicitly specify searching the source file for a variable, and

replacing the variable with the definition for the variable and generating a programmatic content

therefrom. But this limitation has been addressed by the combined teachings of Tahara and

Brodersen as in claim 1 above, hence is rejected herein with the same ground of rejection set

forth therein.

As per claim 10, this system claim recites modules for generating the same step

limitations, i.e. for searching, for generating programmatic content, and for creating image as

recited and addressed in claim 8 above; hence is rejected herein using the corresponding

rejections set forth therein, using accordingly Tahara's teaching in view of Brodersen's.

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

> U.S. Pat No. 6,580,870 to Kanazawa et al., disclosing resolving markup language references for externals at runtime.
>
> U.S. Pub No. 2001/0001160 to Shoff et al., disclosing incorporating of supplemental information in video media.
>
> U.S. Pat No. 6,567,980 to Jain et al., disclosing hyperlinking and encoded indexing of video information for display.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Tuan A Vu whose telephone number is (703)305-7207. The

examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kakali Chaki can be reached on (703)305-9662.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306 (for formal communications intended for entry)

or: (703) 746-8734 (for informal or draft communications, please consult Examiner
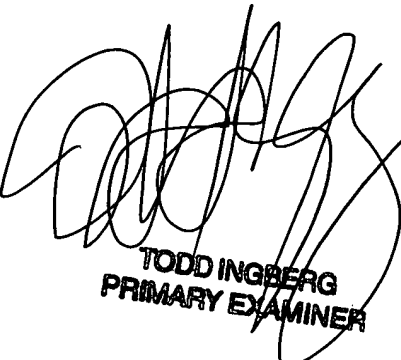
before using this number)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,

Arlington. VA. , 22202. 4th Floor(Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 305-3900.

VAT
January 29, 2004

TODD INGBERG
PRIMARY EXAMINER